

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MARCH 12, 2014**

**CALL TO
ORDER
6:00 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Tim Calaway, Noah Bodman, Jim Heim, Jeff Larsen and Greg Stevens. Gene Shellerud had an excused absence. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

**APPROVAL OF
MINUTES
6:01pm**

Heim made a motion, seconded by Schlegel to approve the February 12, 2014 meeting minutes.

The motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)
6:02pm**

None.

**DAVID AND
DEANNA GRAY
(FZC-13-05)
6:03 pm**

A Zone Change request in the Bigfork Zoning District by David & Deanna Gray. The proposal would change the zoning on approximately 19.9 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural). The property is located at 358 Fern Lane.

STAFF REPORT

Mack reviewed Staff Report FZC 13-05 for the Board.

**BOARD
QUESTIONS**

Schlegel and Mack discussed the width of the access which would be 12 foot.

Calaway and Mack discussed the width of the easement.

**APPLICANT
PRESENTATION**

David Gray, gave a history of the property, how it had been split through the years and why they would like to split the property for their sons. The sons wished to live on the property and not sell it. The original plat in the plat room stated the acreage was 20.32 acres not 19.9 acres as reported in the staff report.

**BOARD
QUESTIONS**

Heim and Gray discussed what his grandfather had done when he split the acreage.

AGENCY COMMENTS	None.
PUBLIC COMMENT	None.
APPLICANT REBUTTAL	None.
STAFF REBUTTAL	None.
MAIN MOTION TO ADOPT F.O.F. (FZC-13-05)	Stevens made a motion seconded by Bodman to adopt staff report FZC 13-05 as findings-of-fact.
BOARD DISCUSSION	None.
ROLL CALL TO ADOPT F.O.F. (FZC-13-05)	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	None.
MAIN MOTION TO RECOMMEND APPROVAL OF CONDITIONS (FZC-13-05)	Heim made a motion seconded by Calaway to adopt Staff Report FZC 13-05 and recommend approval to the Board of County Commissioners.
BOARD DISCUSSION	None.
ROLL CALL TO RECOMMEND APPROVAL OF (FZC-13-05)	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	Hickey-AuClaire reviewed the process the application would follow from this point forward.

**BLACKWOOD
(FLV 14-02)
6:14pm**

A request by Dr. Mark Lorang on behalf of Rick and Robin Blackwood for a Major Lakeshore Variance to the fill standards of Flathead County Lake and Lakeshore Protection Regulations (FCLR), specifically Sections 4.3F(2)(h)(2), 4.3F(2)(h)(5), & 4.3F(2)(h)(6). Seeking to place 4 to 6 feet of fill at 1465 cubic yards per 400 lineal feet to protect the shoreline and a dock from erosion due to wind and wave action, the applicants are requesting a variance from the regulations because fill is not permitted in sites subject to strong wave action, and a variance to the FCLR is also necessary to permit more than 4 to 6 inches of fill and a volume of fill exceeding 1 cubic yard per 16 lineal feet of shoreline. The subject property is located at 240 Holt Drive.

STAFF REPORT

Grieve reviewed Staff Report FLV 14-02 for the Board.

**BOARD
QUESTIONS**

Stevens and Grieve discussed who performed the site review and what neighboring property owners had done on their property.

The board and Grieve discussed what other neighbors had done on their lakefront property, what materials had been used and work which had been done. They continued to discuss if the impervious surface allowance was at the maximum with the dock on the property, when the dock was built and how far the fill would go out into the lake. They talked about why the application was before the board, if other permits were required from other departments and if the Army Corp of Engineers had okayed the project. They also discussed a dike to help with erosion and water quality.

Grieve said BLUAC had recommended approval unanimously and reviewed public comment received at the BLUAC meeting.

**APPLICANT
PRESENTATION**

Dr. Mark Lorang, from the University of Montana Biological Station, explained the history of the research which went into the solution for erosion on the north part of the lake. He displayed photographs which showed the Flathead Lake Delta in 1901 and how the geography had changed over the years. He went on to explain in depth the history of Flathead Lake, how it had changed with the addition of Kerr Dam, the problems with having the dam environmentally and data which had been collected over the years concerning the lake. He continued to talk about erosion of the lakeshore and the loss of wildlife habitat. He said the goal of the application was to restore the

habitat which meant maintain the wetland habitat, establish a mosaic of different water bodies, wetlands and uplands in the wildlife area. He showed traditional solutions and explained in depth how the application differed and helped to rebuild wildlife and the shoreline by establishing a dynamic yet stable shoreline.

**BOARD
QUESTIONS**

The board and Lorang discussed the building of dikes in projects, what they accomplished and the goal of beaches which was to keep the landscape as close as possible to what was in existence before the dam. They also discussed if the created land was surveyed back into the property. They talked about alternative methods for erosion on rivers which were successful or not successful and the use of the dock on the property to help with a spit to stop erosion.

Schlegel and Lorang discussed how far the dock would go out into the lake which was 25 feet.

Calaway and Lorang discussed the reason different sizes of rocks were being used in the project.

Bodman and Lorang discussed if there were any unexpected effects from other projects which had occurred.

Stevens and Lorang discussed how deep the water was at the end of the dock which was approximately four feet.

Bodman and Lorang discussed if the species found in the rebuilt land were native or invasive.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**APPLICANT
REBUTTAL**

Lorang said this was a continuation of a large project and he hoped it continued on other lakefront property in the area. He had other projects on other properties on the lake.

Bodman asked if there were other areas or countries which were using this method.

Lorang said Denmark, Italy and England are currently using this method.

Bodman and Lorang discussed if there were older examples of the method which show the long term effects to the environment.

Schlegel wanted to commend Lorang for wanting to protect the land. He knew people who had lost land to either Flathead River or Flathead Lake.

Lorang offered maps which show erosion of land in the area of Flathead River and Flathead Lake. He said there were several lawsuits concerning reimbursement for lost land.

Schlegel and Lorang discussed erosion from the Flathead River.

The board and Lorang discussed using car bodies for erosion purposes.

Lorang described informational data he had accumulated concerning the Flathead River.

Calaway and Lorang discussed the change in the river with the addition of Kerr Dam and Hungry Horse Dam. They talked about other rivers which had been leveed up.

The board, Lorang and Grieve discussed how the standards did not fit every location.

Schlegel and Lorang discussed the possibility of meeting with Marc Pitman of the DNRC to talk about how the standards did not work or were not appropriate for situations along Flathead River and Lake.

Lorang, Schlegel and Grieve talked about the inability of standards to meet extenuating circumstances.

Hickey-AuClaire and Schlegel thanked Lorang for his presentation.

Schlegel and Lorang discussed the frustrations of being unable to protect the riverbank.

Lorang said the people who were most concerned with protecting the riverbank were people who were losing property along the riverbank. He wanted to persuade the Fish and Wildlife and Parks Department to let people walk on the exposed lakeshore to

see the wonderful landscape which would connect the people to the lake and make them care about the lake.

**STAFF
REBUTTAL**

None.

**BOARD
DISCUSSION**

Hickey-AuClaire and Grieve reviewed procedure for the file.

Grieve said the hearing before the commissioners will be March 31, 2014.

**MAIN MOTION
TO ADOPT
F.O.F.
(FLV 14-02)**

Schlegel made a motion seconded by Calaway to adopt staff report FLV 14-02 as findings-of-fact.

**BOARD
DISCUSSION**

Calaway said the project seemed well planned and thought out. He could not make any recommendations for improvement at this point.

Heim agreed. The project seemed like a reasonable thing to do.

Schlegel was glad to see something done to protect the lake and streams.

Calaway relayed how much land erosion from Flathead Lake had taken.

Schlegel and Lorang discussed when the original dike had been planned.

Lorang explained the benefits of documenting the information so there was something concrete to refer to instead of antidotal information.

**ROLL CALL TO
ADOPT F.O.F.
(FLV 14-02)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND**

Bodman made a motion seconded by Heim to adopt Staff Report FLV 14-02 and recommend approval to the Board of County Commissioners.

**APPROVAL OF
CONDITIONS
(FLV 14-02)**

**BOARD
DISCUSSION**

Schlegel said he was prepared to vote no on the project, mainly because the applicant wanted to place fill in the lake farther than the dock. He said thank you for the great presentation.

Lorang thanked him for listening.

Grieve said the same thing happened at BLUAC. People who came prepared to vote no listened to the presentation and changed their minds.

Bodman agreed with what Schlegel said.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FLV 14-02)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Hickey-AuClaire reviewed the process the application would follow from this point on.

Grieve said the hearing in front of the Commissioners will be on March 31, 2014 at 9:00 am.

**OLD BUSINESS
7:39 pm**

The board took a 10 minute break.

There was no old business to discuss.

**NEW BUSINESS
7:39 pm**

Discussion of Fiscal Year 2015 (July 01, 2014-June 30, 2015) work plan for the Flathead County Planning and Zoning Office (per 76-1-106 and 76-1-306 Montana Code Annotated).

Grieve said it was the time in the fiscal year where he came before the board to discuss the work plan for the next fiscal year, fiscal year 2015.

The board and Grieve discussed several projects in depth which will require office time and staff and will come due in the next fiscal year such as the expiration of the Evergreen Enterprise Overlay and the possible reacquisition of the Whitefish Donut area. They discussed what the process would be for reacquisition of the Whitefish Donut area, the possibility of the

county reacquiring the donut through the court case and what had been done in the past when reacquisition was anticipated. They discussed what discretionary projects the board wanted to tackle for fiscal year 2015 which included a request to update the Lakeside Neighborhood Plan, the Little Bitterroot Lake Neighborhood Plan, and the Middle Canyon Neighborhood Plan.

The board and Grieve discussed the Evergreen Enterprise Overlay, what it permitted and how much potential work was involved in assessing effectiveness. They also talked about how long the Overlay was in effect before it was terminated, what was involved in making the zoning permanent, how long it would take to complete the project and if there had been requests for Light Industrial uses. They also talked about what would happen if the interim zoning was extended a year.

The board and Grieve's conversation turned to the question of if subdivision regulations would qualify as zoning if the county reacquired the Whitefish Donut, work which had been done concerning updating the Zoning Regulations and if the board wanted to continue to work on that project. They also discussed possible work on the Subdivision Regulations concerning paving for RV Parks,

ADJOURNMENT
8:13 pm

The meeting was adjourned at approximately 8:13 pm. on a motion by Schlegel. The next meeting will be held at 6:00 p.m. on April 9, 2014.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 4 / 9 / 14*